

ALASTER GAINES,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
HOUSTON INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner Alaster Gaines filed a May 11, 2026 Petition for Review with the Texas Commissioner of Education. The underlying matter concerns Respondent Houston Independent School District’s board of managers’ decision to terminate Petitioner’s term contract for good cause during its term. Petitioner asserts that the board adopted a significantly flawed Independent Hearing Examiner (IHE) Recommendation that included “hallucinated” facts, was not timely issued to all statutory recipients, and contained numerous procedural and evidentiary errors. Respondent denies error, argues that substantial evidence supports the board’s decision, and asks the Commissioner to deny this appeal.

Adrienne Butcher is the Administrative Law Judge assigned to this case. Petitioner is represented by her counsel, Giana and Daniel Ortiz, of the Ortiz Law Firm, in Arlington, Texas. Respondent is represented by its counsel, Izamara G. Anderson and Bryce A. Corsaut, of Spalding Nichols Lamp Langlois, in Houston, Texas.

The IHE presided over a two-day evidentiary hearing and issued a seven-page Recommendation with eleven findings of fact and nine conclusions of law. Most of the eleven findings of fact are erroneous, containing citations to irrelevant record evidence and misstatements of witness testimony. There are no findings of fact at all on two of the three terminations reasons. Petitioner raised these errors to the board, which adopted the IHE’s Recommendation without modification. As discussed below, the board’s decision is arbitrary and capricious and

unsupported by substantial evidence, as it is based on defective fact findings. Accordingly, the Commissioner grants Petitioner's appeal and remands this case to the board for a new hearing.

FINDINGS OF FACT

After reviewing the record and taking official notice of relevant matters, in my capacity as Commissioner of Education, I conclude that the record and file in this case establish the following Findings of Fact:

1. Petitioner had a one-year term contract with Respondent for the 2025–2026 school year.
2. On August 28, 2025, Petitioner filed a Special Education Complaint Investigation Form with Texas Education Agency regarding, *inter alia*, Respondent's alleged failure to implement students' individualized education plans (IEPs) and changes to special education students' placement without required ARD meetings.¹
3. Respondent placed Petitioner on home duty on September 5, 2025.
4. On October 10, 2025, Respondent notified Petitioner by letter that on the preceding day, the board voted to propose termination of her term contract during its term for good cause.

The notice stated,

You received three written warnings. You have since been placed on home duty due to continued performance concerns, including failure to implement accommodations, improper administration of the LSAE, and refusal to follow assigned dismissal duties.

The parties later entered a Rule 11 agreement to modify the termination bases as follows:

You received three written warnings. You have since been placed on home duty due to continued performance concerns, **namely: including** failure to implement accommodations, improper administration of the LSAE, and refusal to follow assigned dismissal duties.²

5. Petitioner timely requested a Subchapter F hearing before an Independent Hearing Examiner (IHE). The Commissioner assigned an IHE to hear the matter.

¹ The parties addressed this background in their briefs. None of it is included in the IHE's Recommendation or the board's decision, although the Agency complaint is in the local record. The Commissioner includes it here for context.

² The parties entered this agreement on January 12, 2026, during the Subchapter F proceedings. The agreement also limited the termination reasons to those listed in this paragraph, eliminating the termination notice letter's prior language that good cause was not limited to the reasons stated in the letter.

6. The IHE held a two-day evidentiary hearing on January 20 and 21, 2026. The IHE's seven-page Recommendation includes 11 findings of fact and 9 conclusions of law. The IHE signed the Recommendation on February 6, 2026, but did not email it to the parties until February 16, 2026, after Petitioner's counsel requested it. There is no record evidence reflecting when the board received the IHE's Recommendation.³

7. The board held an April 23, 2026 hearing on the IHE's Recommendation and the parties' respective arguments on it. The board then voted 5-0-1 and without discussion to adopt the IHE's Recommendation and to terminate Petitioner's term contract for good cause.

8. Petitioner timely appealed to the Commissioner on May 11, 2026, asserting jurisdiction under both Texas Education Code sections 7.057 and 21.301. Petitioner also filed a May 12, 2026 Motion to Recuse the Commissioner, seeking recusal based on his intervention role in Respondent's school district, including his appointment of its board of managers and superintendent. Respondent filed a May 15, 2026 Response in Opposition to Petitioner's Motion to Recuse.

9. The Administrative Law Judge held a May 27, 2026 prehearing conference to address the jurisdictional basis for this appeal, as appeals under sections 7.057 and 21.301 cannot be brought in one proceeding,⁴ and to hear the parties' arguments on the Motion to Recuse, including arguments related to its compliance with Rule 157.1072(g). The Administrative Law Judge issued an Order denying Petitioner's Motion to Recuse.

10. The parties filed their respective briefs. In her brief, Petitioner states that she no longer wishes to pursue and accordingly withdraws her section 7.057 appeal.

³ The IHE appears to have sent the required copies of the Recommendation to the required recipients (the parties, the board president, and the Agency) separately. Agency records reflect that the IHE timely sent a copy of the Recommendation to the Commissioner. Respondent's counsel does not state that Respondent received its copy before February 16, 2026. It is unclear when the IHE sent the Recommendation to Respondent's board president.

⁴ Because of the short statutory deadlines at issue, the Commissioner's rules provide that parties cannot amend pleadings in Chapter 21, Subchapter G appeals after the appeal deadline has passed. 19 Tex. Admin. Code § 157.1072(c).

DISCUSSION

Issues Presented

Petitioner presents nine issues for review in her brief:

1. Whether the Board's decision was arbitrary, capricious, or unlawful;
2. Whether the IHE's findings, adopted by the Board, satisfy the requirements of Texas Government Code § 2001.141 and Chapter 21;
3. Whether the Board, in adopting the Recommendation, improperly relied upon evidence outside the record and unsupported factual assertions;
4. Whether substantial evidence supports a finding that [Petitioner] failed to implement student accommodations;
5. Whether good cause exists for termination under the applicable legal standard;
6. Whether Petitioner's conduct constitutes good cause, where Petitioner asserts she raised "good faith legal compliance concerns about curriculum implementation while implementing the curriculum";
7. Whether Petitioner was entitled to notice of deficiencies and a reasonable opportunity to remediate before termination;
8. Whether the untimely Recommendation and procedural irregularities required reversal; and
9. Whether the Board and/or District erred and/or otherwise violated the law in terminating Petitioner.

Some of these issues overlap and are addressed below as practical and, where beneficial, in the order best suited for analysis.

Timeliness of Recommendation

Petitioner argues that the IHE did not timely issue the Recommendation to the parties. The record reflects that the IHE sent the parties a copy of the Recommendation on February 16, 2026, after Petitioner's counsel sent a follow-up email requesting it. Agency records reflect that the IHE timely sent the Recommendation to the Commissioner. The record does not reflect when the IHE sent the Recommendation to the board president.

An IHE has a statutory deadline to issue a written recommendation, dated from the Commissioner's receipt of a teacher's request for a Subchapter F hearing. Tex. Educ. Code § 21.257(a). The parties may extend that deadline by written agreement for up to 45 days. *Id.* § 21.257(c). Upon issuing a recommendation, an IHE must send a copy of it to the board president, each party, and the Commissioner. *Id.* § 21.257(d). An IHE who fails to timely issue a written

recommendation may not be assigned additional hearings for a period not to exceed one year. *Id.* § 21.257(e).

The parties agreed in this case to extend the Recommendation's deadline to February 6, 2026, which was the last day for an extension under section 21.257(c). Petitioner argues that the IHE's February 16, 2026 email was ten days after the Recommendation's extended statutory deadline. She further argues that the late issuance violates section 21.257 "and deprives the parties and the Board of timely notice of the recommendation and record." In response, Respondent argues that late-issued recommendations carry a statutory consequence for the responsible IHE, not the board, and is thus immaterial to this appeal. *See id.* § 21.257(e).

Assuming that the IHE did not timely send a copy of the Recommendation to the board and the parties, the Commissioner has recently recognized that IHEs' failure to timely issue recommendations does not prevent school boards from considering them, as section 21.257(e) reflects the Legislature's intent to penalize the noncompliant IHEs responsible for the error. *See Castillo v. Alamo Heights Indep. Sch. Dist.*, No. 042-R2-06-2023 (Comm'r Educ. 2023). In that decision, he further noted that the Legislature did not intend to penalize school boards for IHEs' untimeliness. *Id.* Therefore, the Commissioner denies Petitioner's issue regarding the IHE's alleged delay in sending the Recommendation to all statutory recipients.

Erroneous Findings of Fact

Petitioner also argues that the IHE's Recommendation includes numerous erroneous findings of fact that preclude meaningful review of her evidentiary hearing and violate Texas Government Code section 2001.141's requirements for findings of fact. Neither section 21.301 appeals nor Subchapter F hearings are subject to Texas Government Code Chapter 2001; both statutory provisions expressly exempt Chapter 2001. *See Tex. Educ. Code* §§ 21.256(b) (excluding Chapter 2001); 21.301(e) (same). However, the Texas Education Code and Texas law govern IHEs' findings of fact.

Under the Education Code, an IHE must make proposed findings of fact based on the evidence adduced at the Subchapter F evidentiary hearing, which is conducted like a bench trial.

Tex. Educ. Code §§ 21.256(e); .257(a)(1). The board must consider the recommendation, the record, and the parties' oral arguments. Tex. Educ. Code § 21.258(a), (b). The board must issue a decision that includes findings of fact, which boards frequently adopt from the IHE's proposed findings of fact, and may reject or change a proposed finding of fact if it is not supported by substantial evidence. *Id.* § 21.259(a), (c). Thus, the board has both a statutory mechanism to reject erroneous IHE findings of fact (and, less restrictively, conclusions of law) and a statutory duty to issue findings of fact, which are then subject to the Commissioner's review, if appealed.

Significantly, Texas law requires findings of fact to be clear and specific. *Tex. Health Facilities Com. v. Charter Med.-Dall., Inc.*, 655 S.W.2d 446, 451 (Tex. 1984). Mere conclusions or recitals of evidence are inadequate, and supportive underlying facts cannot be presumed from conclusory findings. *Id.* Findings of fact must fairly and reasonably notify the reviewing court that they support the governing criteria. *Id.*

Petitioner argues that the IHE's findings of fact are conclusory, merely recite the evidence, and contain erroneous, "hallucinated" citations that do not correspond to the record or exhibits that purport to support the findings. Notably, IHEs are not required to provide specific citations to record evidence when issuing recommendations. However, when specific citations to record evidence are made, the IHE represents to the board and subsequent reviewing bodies that the evidence cited actually supports the finding at issue.

Petitioner raised her objections to the IHE's Recommendation in the board's April 23, 2026 hearing. The board then adopted the Recommendation entirely and without change. On appeal, the Commissioner considers whether the board's decision is arbitrary, capricious, or unlawful or is not supported by substantial evidence. Tex. Educ. Code § 21.303(b)(1). He begins by reviewing Petitioner's arguments on the board's adopted findings of fact:

- **Background Section:** In the Recommendation's background section, the IHE listed the testifying witnesses at the hearing and included Leon Scott, an administrator who did not testify. Because he was not a hearing witness, Mr. Scott should not have been included in the list of testifying witnesses. However, this error is harmless, as the Recommendation did not incorrectly attribute any specific testimony to Mr. Scott, and no findings of fact are based on alleged testimony by him.

- **Finding of Fact 1:** The IHE cited to a portion of the hearing transcript reflecting discussion between the IHE and the parties about opening statements for the finding, “[*Petitioner*] was employed by [*Respondent*] pursuant to a Chapter 21 term contract during the 2025–2026 school year.” Counsels’ opening statements are not evidence that can support a finding of fact, and the cited portion of the transcript is also irrelevant to this finding. However, *Petitioner*’s contract is in the local record, which the IHE also cited as Exhibit P1 supporting this finding of fact. Moreover, the parties do not dispute that *Petitioner* had a Chapter 21 contract for the 2025–2026 school year.
- **Finding of Fact 2:** This finding states, “*On or about October 10, 2025, [Respondent] issued written notice proposing termination of [Petitioner’s] Chapter 21 term contract.*” The IHE cited *Respondent*’s counsel’s opening statements in the hearing transcript. While opening statements are not evidence, and the record citation is also irrelevant to this finding, the IHE also cited Joint Exhibit P4, which is the October 10, 2025 notice in the local record. The parties also do not dispute that *Respondent* issued the October 10, 2025 notice.
- **Finding of Fact 3:** This finding states, “*The notice of proposed termination identified alleged failures relating to: (a) compliance with supervisory directives; (b) implementation and documentation of student accommodations; and (c) administration of required assessments.*” The IHE cited a portion of the hearing transcript that reflects *Respondent*’s opening statement, which is not record evidence and is further not relevant to this finding. The IHE also cited Joint Exhibit P4, which is the October 10, 2025 notice letter. The finding loosely paraphrases the notice in Joint Exhibit P4, and *Petitioner* argues that the IHE improperly expanded the issues by adding “documentation” to the termination basis stated in (b), where “implementation” and “documentation” are distinct.⁵
- **Finding of Fact 4:** This finding states, “*District administrator Kevin Alaniz testified that [Petitioner] was provided specific directives regarding the documentation systems to be used and the procedures for implementing and documenting student accommodations.*” The IHE cited to the hearing transcript reflecting witness Kevin Alaniz testifying about his education background and professional experience; a campus newsletter titled “The Pat Report”; and an email by *Petitioner*’s principal reminding teachers to sign for receipt of employee handbooks as record evidence to support the finding, *Petitioner* argues the IHE’s citations are irrelevant and also that the cited exhibits were “not shown to the witness.”

The IHE’s cited evidence does not support Finding of Fact 4. Moreover, the local record also does not support it. This finding is specific to Mr. Alaniz’s testimony. Mr. Alaniz testified about his role in responding to the Agency’s investigation of the August 28, 2025 special education noncompliance complaint. He testified that he had not met *Petitioner* before her evidentiary hearing and, aside from what he incidentally learned in responding to the Agency, was unfamiliar with her employment, training, and directives. He also testified that he would not have known if she had been written up for IEP implementation, as that was not his role, and was unaware of any training she had before her placement on home leave.

Mr. Alaniz did not provide any testimony that *Petitioner* was provided “*specific directives regarding the documentation systems to be used and the procedures for implementing and documenting student accommodations.*” This finding materially misstates the evidence.

- **Finding of Fact 5:** This finding states, “*Mr. Alaniz testified that [Petitioner] did not consistently implement or document required accommodations in the manner directed, despite receiving feedback and corrective guidance.*” As with Finding of Fact 4, this finding misstates Mr. Alaniz’s testimony. Although he testified about the sufficiency of *Petitioner*’s documentation of accommodations in describing his response to the Agency, nothing in his

⁵ This Finding of Fact only recites what the notice states. As this case is remanded for the reasons stated in this Decision, the Commissioner does not distinguish between “implementation” and “documentation” of accommodations, as the findings are not sufficient to address this issue.

testimony can be construed to address her doing so despite receipt of “feedback and corrective guidance.” Mr. Alaniz was clearly unfamiliar with the administration’s provision of feedback and correction to Petitioner and was not involved in her oversight. This finding, specific to Mr. Alaniz, materially misstates the evidence.

- **Finding of Fact 6:** This finding states, “*District witnesses further testified that [Petitioner] continued using a documentation system different from the system required by [Respondent] after corrective directives were issued.*” To support this finding, the IHE cited a portion of the hearing transcript reflecting Petitioner’s counsel’s hearsay objection and to an unrelated email, which evidence is irrelevant to Finding of Fact 6. It is unclear which witnesses the IHE references in stating “District witnesses testified” about Petitioner’s incorrect documentation. This finding is conclusory and neither clear nor specific, as it does not identify which witness(es) provided the referenced testimony and makes only a broad, generalized summary of hearing testimony by unidentified witnesses.
- **Finding of Fact 7:** This finding states, “*[Petitioner] testified that she understood the directives issued by [Respondent] but believed that her alternative documentation was sufficient.*” The IHE cited a portion of the hearing transcript reflecting the assistant principal’s testimony about dismissal duties. The cited testimony is not relevant to and does not support Finding of Fact 7.
- **Finding of Fact 8:** This finding states, “*[Petitioner] acknowledged that she used a documentation method different from the method directed by [Respondent].*” The IHE cited to hearing testimony by assistant principal Claudia Hernandez, which concerned dismissal duties and did not relate to Petitioner’s documentation methods. The IHE did not cite Petitioner’s testimony for evidence of what she “acknowledged.”
- **Finding of Fact 9:** This finding provides, “*The evidentiary record included District policies, correspondence, evaluations, and employment records relevant to the allegations contained in the notice of proposed termination of [Petitioner]’s term contract.*” To support this finding, the IHE cited to (1) an unrelated hearing objection by Petitioner’s counsel; (2) Petitioner’s August 28, 2025 Request for Special Education Complaint Investigation Form; (3) Exhibit P9, an exhibit not admitted in the evidentiary hearing; and (4) “P35–P38,” which are Respondent’s Policy DH (Legal) (P35); Policy DH (Local) (P36); Policy DH (Exhibit) (P37); and Policy DFBA (Legal) (P38).

This finding is broad and conclusory and largely cites irrelevant record evidence. To the extent it cites four school district policies, the finding only states that the record contains the cited policies and fails to make any clear or specific findings that Petitioner violated any of them.

- **Finding of Fact 10:** The IHE did not cite any record evidence for the finding, “*Conflicting testimony was presented regarding the scope and application of certain directives and [Petitioner’s] compliance with those directives. The Hearing Examiner resolved those conflicts by weighing the evidence as a whole.*” Petitioner argues that the Finding does not identify any of the referenced testimony.

This Finding is vague and nonspecific; the Commissioner cannot determine what, if any, record evidence supports it because no specific testimony is identified. The IHE merely concludes that she weighed the evidence as a whole while making no fact findings on any particular witness’s testimony on which she relied regarding Petitioner’s compliance with directives. The IHE also identifies no particular directives Petitioner violated, stating only that Petitioner did not comply with “certain” directives. With vague findings and no record citations, neither the board nor the Commissioner can determine what evidence supports this finding of fact.

- **Finding of Fact 11:** This finding states, “*[Petitioner] received notice of the allegations against her and was afforded a meaningful opportunity to be heard at the evidentiary hearing.*” To support this finding, the IHE cites to cover pages for the hearing’s first and second day and appears to cite herself calling the matter to order on each respective day of the hearing. These

citations do not relate to Petitioner's notice of the allegations against her, which the IHE addressed in Finding of Fact 2 regarding the October 10, 2025 notice. It is undisputed the Petitioner had an evidentiary hearing; whether she had a meaningful opportunity to be heard is not a finding of fact but a conclusion of law.

Petitioner argues that the errors reflected above “destroy[] the reliability of the findings adopted by the Board” and show a dereliction of the IHE's duties. Of the eleven enumerated Findings of Fact, only Findings of Fact 4–8 address Petitioner's conduct. All of these findings are defective. Findings of Fact 4 and 5 clearly misstate Mr. Alaniz's testimony about feedback, guidance, and directives issued to Petitioner, of which his testimony reflects he lacked any knowledge. Finding of Fact 6 cites irrelevant evidence and provides only a broad, generalized summary of hearing testimony by unidentified witnesses, precluding any meaningful review. Findings of Fact 7 and 8 purport to summarize Petitioner's testimony about documentation and directives relating to documentation but are supported by testimony by the assistant principal about Petitioner's dismissal duties.

Significantly, the Findings of Fact do not address two of Respondent's three termination reasons, which allege that Petitioner improperly administered the “LSAE”⁶ and refused to follow assigned dismissal duties. Nowhere do the Findings of Fact (or any other part of the Recommendation) address Petitioner's administration of the LSAE, including identifying what it is, what it requires, or how Petitioner failed to properly administer it. There are also no findings of fact on Petitioner's alleged refusal to follow assigned dismissal duties, including any findings as to what her dismissal duties were and how or when she violated them. The finding that “conflicting testimony” was presented about “certain directives” is vague and does not identify any directive, including when any directive issued, what it concerned, who issued it, and how and when Petitioner violated it. The findings are insufficient to support either proposed termination reason. Thus, the IHE and, subsequently, the board, made no viable findings of fact on either of these two termination reasons.⁷

⁶ Neither party defines this acronym in their brief. Respondent notes in its brief that the “LSAE” is part of the superintendent's “NES Model.” However, the board's decision was not based on any clear findings regarding the LSAE.

⁷ There are also no conclusions of law on these issues.

On Respondent's third and last termination reason, that Petitioner failed "to implement accommodations," the only fact findings related to that termination reason, Findings of Fact 4–8, are not clear or specific, and they rely on irrelevant record evidence. As addressed above, Findings of Fact 4 and 5 misstate Mr. Alaniz's testimony and cannot support findings that Petitioner received "specific directives" or "feedback and corrective guidance."

The IHE's Recommendation contains only eleven findings of fact. Those findings are conclusory, merely recite testimony without required specificity, and are riddled with citation errors and inaccuracies. There are no clear or specific findings to support the termination bases under review. The findings of fact are insufficient to establish good cause for Petitioner's term contract termination.

Petitioner raised these defects to the board at the April 23, 2026 hearing on the IHE's Recommendation. The board adopted the Findings of Fact without any modification, thereby adopting the errors identified above. Given these errors, the board's findings do not support Respondent's proposed reasons for terminating Petitioner's term contract and do not provide a factual basis for finding good cause on the stated termination reasons. Although the errors originated with the IHE, the board did not remedy but adopted them. Similarly, the board made no additional conclusions of law or modifications to the IHE's conclusions of law to support its good cause finding.⁸ Although on appeal, Respondent points to specific evidence in the record, such as testimony by Petitioner's principal and assistant principal, the board's decision contains no findings regarding that evidence. Accordingly, the Commissioner finds that the board's decision based on clearly erroneous and insufficient findings of fact is arbitrary, capricious, and unlawful and is further unsupported by substantial evidence.

Motion to Recuse

Petitioner filed a Motion to Recuse the Commissioner from this proceeding based on his appointment of Respondent's board of managers under Texas Education Code Chapter 39A, which

⁸ The IHE's proposed conclusions of law likewise do not address the LSAE or dismissal duty issues, find that Petitioner violated any particular school policies; the board made no additional conclusions of law or modify the IHE's conclusions of law.

Petitioner argues creates a potential conflict of interest or bias in this case. Petitioner's Motion lacks a required certificate of conference. The Commissioner's rule governing motions in Chapter 21 appeals requires a certificate of conference stating that the moving party has conferred with the opposing party and has or has not obtained agreement or, if no conference was held, stating good cause for why there was no conference. *See* 19 Tex. Admin. Code § 157.1072(g). Noncompliance with the rule requires a motion's denial. *Id.* Accordingly, the Commissioner denies Petitioner's Motion to Recuse for lack of a required certificate of conference.

Although the Commissioner can elect to recuse himself, he declines to do so in this case. As the Agency's executive officer, the Commissioner is charged with overseeing school districts across Texas. His duties also include hearing appeals from local school board decisions in specified matters, including Chapter 21 contract actions. In serving his adjudicative role, the Commissioner is as interested in correcting errors by Respondent's board as he would be with any Texas school district board of trustees; his appointment of Respondent's board of managers does not predispose him to tolerate errors by a designated remedial board.

The Motion to Recuse is denied.

Conclusion

For the reasons above, the Commissioner grants Petitioner's appeal and remands this case to Respondent's school board for a new hearing.

CONCLUSIONS OF LAW

After due consideration of the record, matters officially noticed, and the foregoing Findings of Fact, in my capacity as Commissioner of Education, I make the following Conclusions of Law:

1. The Commissioner has jurisdiction over this appeal. *See* Tex. Educ. Code § 21.301(a).
2. To the extent Petitioner asserted a parallel appeal under Texas Education Code section 7.057, she withdrew that appeal in her brief. Her withdrawal of her section 7.057 appeal effectively nonsuits that appeal. 19 Tex. Admin. Code § 157.1056(b).

3. IHEs assigned to conduct evidentiary hearings under Texas Education Code Chapter 21, Subchapter F must timely conduct the hearings and issue copies of the recommendations to all statutorily-designated recipients. *See* Tex. Educ. Code § 21.257(a), (c).

4. School board are not precluded from hearing a late-issued IHE recommendation. Tex. Educ. Code § 21.257(e); *Castillo v. Alamo Heights Indep. Sch. Dist.*, No. 042-R2-06-2023 (Comm’r Educ. 2023). The consequence of any late issuance of a recommendation is on the assigned IHE. Tex. Educ. Code § 21.257(e).

5. IHEs assigned to conduct evidentiary hearings under Subchapter F must issue recommendations that include proposed findings of fact. The school board must consider the recommendation, the record, and the parties’ respective arguments at a hearing before making a final decision on a proposed term contract termination for good cause.

6. Findings of fact must be clear and specific and cannot merely be conclusory or recite the evidence. *Tex. Health Facilities Com. v. Charter Med.-Dall., Inc.*, 655 S.W.2d 446, 451 (Tex. 1984). Supportive underlying facts cannot be presumed from conclusory findings. *Id.* Findings of fact must fairly and reasonably notify the reviewing court that they support the governing criteria. *Id.*

7. Where a board adopts findings of fact without change in a contract termination proceeding, the Commissioner considers whether its decision is arbitrary, capricious, or unlawful or unsupported by substantial evidence. Tex. Educ. Code § 21.303(b)(1).

8. The IHE’s proposed Findings of Fact are conclusory and simply recite the evidence in a manner that is neither clear nor specific. Most of the proposed Findings of Fact include citations to testimony or record evidence that is irrelevant to that finding of fact.

9. Findings of Fact 1 and 2 are supported by the record and reflect that Petitioner had a term contract for the 2025–2026 school year and received notice of proposed termination on October 10, 2025. These findings do not address the conduct for which Respondent sought to terminate Petitioner’s contract.

10. Findings of Fact Findings of Fact 4 and 5 misstate Mr. Alaniz's testimony and cannot support findings that Petitioner received "specific directives" or "feedback and corrective guidance."

11. Finding of Fact 6 is neither clear nor specific as to which "District witnesses" testified to Petitioner's documentation system, how it differed from Respondent's requirements, or what "corrective directives" issued, or by whom. Finding of Fact 6 also relies on irrelevant evidence.

12. Findings of Fact 7 and 8 purport to summarize Petitioner's testimony but cite testimony by the assistant principal about Petitioner's dismissal duties, not her implementation of accommodations.

13. None of the Findings of Fact address "improper administration of the LSAE."

14. None of the Findings of Fact address Petitioner's alleged refusal to follow assigned dismissal duties.

15. The Findings of Fact identified no specific directives that any identified supervisor gave to Petitioner with which she refused to comply. The Findings of Fact only contain vague and conclusory statements and do not state or cite any record evidence of directives on which Respondent's termination decision is based.

16. The Commissioner denies Petitioner's Motion to Recuse for lack of a required certificate of conference. 19 Tex. Admin. Code § 157.1072(g).

17. The Commissioner grants Petitioner's appeal and remands this case to Respondent's board of managers for a new hearing to review and reconsider the IHE's Recommendation that the board adopted on April 23, 2026, including, where appropriate, to reject or modify the Recommendation's erroneous findings of fact.

ORDER

After due consideration of the record, matters officially noticed and the foregoing Findings of Fact and Conclusions of Law, in my capacity as Commissioner of Education, it is hereby ORDERED that the Petitioner's appeal be, and is hereby, GRANTED. This case is REMANDED to Respondent's school board for a new hearing consistent with this Decision.

SIGNED AND ISSUED this 23rd day of June 2026.

Mike Morath

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MIKE MORATH
COMMISSIONER OF EDUCATION